IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 29TH OCTOBER 2007 / 7TH KARTHIKA 1929

WP(C).No. 10460 of 2007(T)

PETITIONER:

JAGADAMMA, W/O.T.S.SREEDHARAN,
SUNITHA BHAVANAM, MANNANCHERRY P.O.,
ALAPPUZHA.

BY ADV. SRI. R. AZAD BABU

RESPONDENTS:

1. **THE AUTHORISED OFFICER,**
   STATE BANK OF INDIA,
   MULLACKAL BRANCH, Y.M.C.A. ROAD,
   ALAPPUZHA - 688 011.

2. **THE MANAGER, STATE BANK OF INDIA,**
   MULLACKAL BRANC, Y.M.C.A., ROAD,
   ALAPPUZHA.

3. **STATE OF KERALA, REPRESENTED BY THE**
   DISTRICT COLLECTOR, ALAPPUZHA.

4. **BHARATHI M.KOTHARI, PROPRIETRIX,**
   BHARATH COIR INDUSTRIES, BEACH WARD,
   ALAPPUZHA.

5. **MUKUND M.KOTHARI, JALARAM COIR**
   CORPORATION, BEACH WARD, ALAPPUZHA.

BY ADV. SRI.K.K.CHANDRAN PILLAI, SC FOR SBI
GOVT. PLEADER SRI.BENJAMIN PAUL FOR R3

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE NEWSPAPER ADVERTISEMENT IN MALAYALA MANORAMA DAILY DATED 27.02.2007.

EXT.P2: TRUE COPY OF THE DEATH CERTIFICATE OF T.S. SREEDHARAN.

EXT.P3: TRUE COPY OF THE POSSESSION NOTICE DATED 11.07.2006 ISSUED BY THE 1ST RESPONDENT.

// T R U E C O P T //

Sd/- PS to Judge

ANTONY DOMINIC, J.

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W.P.(C) No. 10460 OF 2007 T
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Dated this the 29th October, 2007

J U D G M E N T

There were four items of properties mortgaged to the 2nd respondent Bank of which three items of properties have already been sold and sale proceeds have been realised. Now what remains is the disposal of the 4th item alone in respect of which an interim order was passed on 27-3-2007 granting stay of the disposal of this particular item of property.

2. The complaint of the petitioner is that though possession notice also was served on the defaulter, husband of the petitioner, in view of his subsequent death on 28-1-2007, further action as against the 4th item of property can be proceeded only with notice to the petitioner and other legal representatives. This request of the petitioner is conceded by the respondent Bank in the counter affidavit filed by it.

3. Accordingly, I dispose of this writ petition directing that the Bank shall give notice to the

petitioner and the legal representative of the deceased defaulter and only thereafter shall the respondent Bank proceed further with the proceedings. In order to enable the Bank to serve notice as above, petitioner shall furnish the address of the other legal representatives to the Bank within two weeks from the date of receipt of a copy of this judgment. Thereafter the Bank shall serve notice on the legal representatives of the defaulter and proceed in accordance with law.

ANTONY DOMINIC
JUDGE

jan/-